

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 4:20-CR-00142-SDJ-KPJ
	§	
DANIEL AUSTIN DUNN	§	
a/k/a Whiskey, Tango10	§	
a/k/a Osama bin Drinkin	§	
a/k/a @SirAustinOfDunn	§	

DEFENDANT’S UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

Defendant Daniel Austin Dunn, by and through his counsel, respectfully moves this Court for a continuance of the Sentencing Hearing set on 29 October 2021 to 15 November 2021. The government is not opposed to the request for a continuance.

I. Procedural History

An indictment filed 11 June 2020 charged Defendant Dunn by criminal complaint with seven counts of violating 18 U.S.C. §875(c) and one count of violating 18 U.S.C. 922(g)(3). See Dkt. 9. On 21 December 2020, a Plea Agreement was filed in this case [Dkt. 80]. The Court scheduled the Sentencing Hearing for 22 July 2021. On 21 July 2021 Defendant was arrested on a warrant for violations of pretrial release. On 5 October 2021 Defendant appeared in Court for an amended change of plea hearing. The Court issued an electronic notice resetting the sentencing hearing to 29 October 2021 in Plano, Texas.

II. Reason for Continuance

Defense counsel has a final pretrial conference scheduled on 29 October 2021 in the U.S. District Court for the Eastern District of Texas, Sherman Division for Hale v. Denton County 4:19-cv-003337-ALM. Additionally, counsel for defendant Dunn has several hearing set for the first two weeks of November. Defense counsel understands that due to the Court’s

schedule, the date of 15 November 2021 may not be available, and the Court may need to choose a different date for sentencing. If that is the case, the defense counsel has listed below their schedule for the months of November and December.

Attorney Patrick McLain's November and December schedule:

15-22 October 2021 - Trial – State of Texas v. Chavira – Dallas, Texas
29 October-5 November 2021 – Pretrial/Trial – Hale v. Denton County – Sherman Texas
11-14 November 2021 – alumni board meeting Trial Lawyer's College – Santa Fe, New Mexico
19-24 November – Pretrial Hearing – U.S. V. Dial - Kaiserslautern, Germany
29 November – 4 December – 41st wedding anniversary trip - Honolulu, Hawaii
6-10 December 2021 – Trial – State of Texas v. John Conley – Weatherford, Texas
11-18 December 2021 – Trial – Ramirez and Gonzales v. Killian - Amarillo, Texas

III. Conclusion

For the reasons set forth above, Defendant Dunn, through his counsel, respectfully moves the Court for a continuance of the sentencing hearing from 29 October 2021 to 15 November 2021, or such date thereafter available on the Court's docket.

Respectfully Submitted,

/s/ Patrick J. McLain

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CERTIFICATE OF CONFERENCE

On 7 October 2021, Assistant United States Attorney Tracey Batson, on behalf of the government, stated that she would not oppose a continuance of the sentencing hearing.

Respectfully Submitted,

/s/ Patrick J. McLain

Patrick J. McLain
Attorney for Defendant Dunn

CERTIFICATE OF SERVICE

I hereby certify that, on 7 October 2021, a true and exact copy of this Unopposed Motion to Continue Sentencing was served electronically upon Assistant United States Attorney Tracey Batson via the CM/ECF system.

/s/ Patrick J. McLain

Patrick J. McLain
Attorney for Defendant Dunn